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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/552,734	10/11/2005	Steffen Bundschuh	016906-0436	9458
22428 7590 03/13/2009 FOLEY AND LARDNER LLP SUITE 500 3000 K STREET NW WASHINGTON, DC 20007				
EXAMINER				
DUFF, DOUGLAS J				
ART UNIT		PAPER NUMBER		
3748				
MAIL DATE		DELIVERY MODE		
03/13/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/552,734

**Applicant(s)**

BUNDSCUH ET AL.

**Examiner**

DOUGLAS J. DUFF

**Art Unit**

3748

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

This Office Action is in response to Applicant's request for reconsideration filed 12/29/08.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Jordan, Jr. et al. (US 5910099). Regarding claim 1, Jordan discloses a heat exchange circuit arrangement for a motor vehicle which comprises a turbocharger (14), the circuit arrangement comprising a low temperature circuit (40) for cooling charging air in the motor vehicle and an engine cooling circuit (20) for cooling an engine, wherein the low temperature circuit is temporarily coupled to the engine cooling circuit in such a way that coolant passes from one circuit into the other circuit and back (52).

3. Regarding claims 2-5, 9 and 10, Jordan discloses the heat exchange circuit arrangement as claimed in claim 1, wherein a feedline (54 to 12 to 26 to 52 to 58) between the engine cooling circuit and the low temperature circuit is provided, leading from an engine thermostat (54), arranged in the engine cooling circuit downstream of the engine (12, closed circuit, so thermostat is upstream or downstream), as seen in the flow direction, to a mixed thermostat (58 when 52 is open) integrated into the low temperature circuit, the feedback line is arranged between the mixed thermostat and the

engine thermostat (54 to 12 to 26 to 52 to 58) and the mixed thermostat is an expansion thermostat or an electrically or pneumatically actuatable valve (col. 4, lines 1-17).

4. Regarding claims 6-8 and 11-20, Jordan discloses a method for operating a heat exchange circuit arrangement as claimed in claim 1, wherein, during warm-up of the engine, coolant flows out of the engine cooling circuit into the low temperature circuit (col. 6, lines 24-27), in a warm state of the engine, coolant flows out of the engine cooling circuit into the low temperature circuit (col. 6, lines 17-20), warm coolant from the engine cooling circuit is used for heating of charging air in the charging-air/coolant cooler (col. 6, lines 17-20).

#### ***Response to Arguments***

5. Applicant's arguments filed 12/29/08 have been fully considered but they are not persuasive. Applicant argues that Jordan, Jr. et al. fails to disclose coolant passing from one circuit to another and back. Applicant insists that Jordan, Jr. et al. only discloses unilateral directional flow from the aftercooler coolant circuit to the engine coolant circuit, but not back. The Examiner respectfully disagrees. In addition to being shown in Figure 1 at element 52, column 3, lines 18-22 of Jordan, Jr. et al. disclose coolant being allowed to flow from the aftercooler coolant circuit to the engine coolant circuit through the linking valve 52. Additionally, Jordan, Jr. et al. describes how the coolant flows back to the aftercooler circuit downstream of the link at the aspirator and coolant tank line 30.

6. Furthermore, Jordan, Jr. et al. discloses in column 6, lines 24-27 that another task of this dual circuit arrangement is to allow coolant from the engine circuit to flow

into the aftercooler circuit in order to raise the aftercooler coolant temperature and prevent coolant freezing (col. 6, lines 23-27).

***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DOUGLAS J. DUFF whose telephone number is (571)272-3459. The examiner can normally be reached on M-Th 7 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Denion can be reached on (571) 272-4859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thomas E. Denion/  
Supervisory Patent Examiner, Art Unit 3748

/Douglas J Duff/  
Examiner, Art Unit 3748  
3/11/09